

**ORDINANCE NO. 3263-23**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING TITLE 10, CHAPTER 2, SECTION 10-2.1602 PERTAINING TO SERVICE STATIONS AND DETERMINING SUCH AMENDMENTS AS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, at the November 1, 2022 Council Meeting, the Redondo Beach City Council considered whether to lift the City's ban on general food sales, inclusive of beer and wine at service stations; and

WHEREAS, after the City Council discussed the matter, a motion was made to direct staff to return with options repealing the ban on general food sales, inclusive of beer and wine at service stations, including a conditional use permit process and associated conditions; and

WHEREAS, on February 21, 2023, staff returned to the City Council with the draft inland and coastal ordinances for consideration and City Council provided direction to finalize only the inland ordinance and forward to Planning Commission for review; and

WHEREAS, the Planning Commission held a duly noticed public hearing, took public testimony, and considered the inland ordinance amendment on April 20, 2023 and recommended the City Council not adopt the inland ordinance for consideration; and

WHEREAS, at a duly notice public hearing on September 19, 2023, the City Council approved the amended inland ordinance for first reading and introduction; and

WHEREAS, on October 3, 2023, the City Council approved the amended inland ordinance for second reading and adoption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE. Title 10, Chapter 2, Section 10-2.1602(b)(12) is hereby amended in its entirety to read as follows: (Note: Additions are noted as underlined):

“(12) General food sales, Incidental sales and rentals.

a. All applicants requesting a Conditional Use Permit for general food sales, incidental sales and rentals shall comply with the requirements contained in Section 10-2-2506 relating to the application process, the hearing process, the appeal

process, the termination process and revocation process in addition to the provisions detailed in this section.

b. Subject to approval of a Conditional Use Permit pursuant to 10-2.2506, general food sales, inclusive of sale of beer and wine for off-site consumption (off-sale), may be displayed and sold within an architecturally screened area that is an extension of the main structure and specifically designed for that purpose.

- 1) All approvals to grant a Conditional Use Permit for off-sale beer and wine sales must contain, at a minimum, the following conditions:
  - a) The applicant shall comply with all conditions required by the Department of Alcoholic Beverage Control.
  - b) Only beer and wine, not hard liquor, may be sold.
  - c) The display area of alcoholic beverages may not exceed 25% of the retail space, nor may the display and storage areas be visible from entry of the retail establishment to the maximum extent possible.
  - d) Coolers containing beer and wine shall be locked during hours alcohol is not sold.
  - e) No displays of beer and wine shall be located within five (5) feet of the store's entrance or cash register.
  - f) Cold beer or wine shall only be sold from, or displayed in, permanently affixed electrical coolers.
  - g) No display or sale of beer or wine shall be made from an ice tub.
  - h) Single serve/individual containers of alcohol shall be prohibited.
  - i) No beer or wine advertising shall be located on gasoline islands, and no lighted advertising for beer or wine shall be located on buildings or in windows.
  - j) No advertising or signage indicating the availability of beer and wine shall be visible from the exterior nor from entry of the retail establishment to the maximum extent possible
  - k) No sales of beer or wine shall be made from a drive-in window.
  - l) The proposed hours of operation for the use are complimentary to the business district in which the use is located, and will not negatively impact other uses
  - m) Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. must be at least twenty-one (21) years of age to sell beer and wine.
  - n) No video or other electronic games shall be allowed on the premises.
  - o) Coolers containing alcohol shall remain locked until cashier verifies customer is of age
  
- 2) Shall a nuisance arise from general food sales including, but not limited to, pan-handling, public intoxication, and noise generation such nuisance shall be the basis for the governing body to take any and all regulatory action up to and including revocation, including the imposition of additional provisions and conditions to the Conditional Use Permit.

- 3) Upon request of the business owner, a Conditional Use permit may be issued for general food sales, excluding off-sale beer and wine, without meeting the requirements established in Section 12(b)(1) subsections a through n.
- 4) Any Conditional Use Permit granted pursuant to this section shall become null and void, and any use of the premises for off-sale beer and wine sales shall terminate immediately, if the establishment's State off-sale beer and wine license has been terminated or suspended for a period of ninety (90) days or more.

c. Subject to approval of a Conditional Use Permit pursuant to Section 10-2.2506, incidental convenience items (i.e. soft drinks, candy, cigarettes, etc.) for the immediate consumption of the motoring public may be displayed and sold within an architecturally screened area that is an extension of the main structure and specifically designed for that purpose.

d. Subject to approval of a Conditional Use Permit pursuant to Section 10-2.2506, the rental of trucks and utility trailers within an architecturally screened area designed specifically for that purpose may be permitted as long as such truck and utility trailer rentals shall not interfere with the normal operation of the service station or the efficient circulation of automobiles on the site.”

SECTION 3. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 5. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 6. This ordinance shall be published by one insertion in the official newspaper of said city, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of October, 2023.

DocuSigned by:

*William C. Brand*

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William C. Brand, Mayor

APPROVED AS TO FORM:

DocuSigned by:

*Michael W. Webb*

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Michael W. Webb, City Attorney

ATTEST:

DocuSigned by:

*Eleanor Manzano*

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Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF REDONDO BEACH     )

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. 3263-23 was introduced at a regular meeting of the City Council held on the 19<sup>th</sup> day of September, 2023, and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 3<sup>rd</sup> day of October, 2023, and there after signed and approved by the Mayor and attested by the City Clerk, and that said Ordinance was adopted by the following vote:

AYES:           NEHRENHEIM, LOEWENSTEIN, KALUDEROVIC, OBAGI, JR., BEHRENDT

NOES:           NONE

ABSENT:        NONE

ABSTAIN:       NONE

DocuSigned by:  
*Eleanor Manzano*  
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Eleanor Manzano, CMC  
City Clerk